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10/782,629	02/18/2004	Taku Takaki	16869P-095900US	5096

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EXAMINER

TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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10/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/782,629

Applicant(s)

TAKAKI ET AL.

Examiner

Barry W. Taylor

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-11, 13, 14, 16, 18 and 20 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 12, 15, 17 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/18/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-3, 7, 10-11, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al (6,263,209) in view of Bansal et al (6,898,569 hereinafter Bansal).

Regarding claim 1. Reed teaches a communication device comprising:

a storage unit configured to store an input time, a transmission destination, and a first message (see memory 212 figure 2);

a clock function unit configured to reference a current time (see clock 207 figure 2);

an input unit configured to receive input from a user (see keyboard 220 figure 2);
a notification unit configured to provide notification to the user (see alert 218 figure 2);

a transmission unit configured to transmit the first message stored in the storage unit to the transmission destination (see col. 1 lines 13-40, col. 7 lines 49-62 , col. 8 lines 10-18 where if user is going to be late for a meeting other users are notified that the user is going to be late).

Reed does not appear to teach a control unit configured to control the notification unit to provide notification to the user when the input time stored in the storage unit matches the current time indicated by the clock function unit, to control the transmission unit to transmit the first message when no input indicating transmission cancellation is provided through the input unit within a predetermined length of time from the notification, and to control the transmission unit to not transmit the first message when input indicating transmission cancellation is provided through the input unit within the predetermined length of time from the notification.

Bansal also teaches a method and apparatus for advanced scheduling and messaging system (title, abstract, col. 2 lines 20-44) wherein when it is determined that a user will be late for an appointment, an attendee notification message is automatically generated. Bansal also teaches a storage unit configured to store an input time, transmission destination, and a first message (see col. 3 lines 40-65, col. 4 lines 14-36 wherein user inputs appointment time, transmission destination information, and message to be transmitted to others when user is running late for meeting. For

example, "I am running [x] minutes late"). Bansal also teaches transmitting the first message when no input indicating transmission cancellation is provided (see col. 4 lines 37-62 wherein if user does not confirm that he or she will be late (i.e. cancel sending message to attendees), the scheduling unit will automatically send a message to the other attendees informing them that the user will be late).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the teachings of Reed to incorporate custom default message as taught by Bansal in order to not only tell others that the user will be late for a meeting but inform them of how many minutes that the user will be delayed thereby allowing the meeting to be rescheduled or cancelled based on how late the user will be as disclosed by Bansal.

Regarding claim 2. Reed teaches transmission of the first message by the transmission unit (see col. 1 lines 13-40, col. 7 lines 49-62 , col. 8 lines 10-18 where if user is going to be late for a meeting other users are notified that the user is going to be late).

However, Reed does not teach a second message is transmitted by the transmission unit when input indicating confirmation of the transmission of the first message is provided through the input unit.

Bansal also teaches a method and apparatus for advanced scheduling and messaging system (title, abstract, col. 2 lines 20-44) wherein when it is determined that a user will be late for an appointment, an attendee notification message is automatically generated. Bansal also teaches a storage unit configured to store an input time,

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transmission destination, and a first message (see col. 3 lines 40-65, col. 4 lines 14-36 wherein user inputs appointment time, transmission destination information, and message to be transmitted to others when user is running late for meeting. For example, "I am running [x] minutes late"). Bansal also teaches transmitting the first message when no input indicating transmission cancellation is provided (see col. 4 lines 37-62 wherein if user does not confirm that he or she will be late (i.e. cancel sending message to attendees), the scheduling unit will automatically send a message to the other attendees informing them that the user will be late).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the teachings of Reed to incorporate custom default message as taught by Bansal in order to not only tell others that the user will be late for a meeting as taught by Reed but inform them of how many minutes that the user will be delayed thereby allowing the meeting to be rescheduled or cancelled based on how late the user will be as disclosed by Bansal.

Regarding claim 3. Reed teaches wherein the first message communicates a delay to the transmission destination (see col. 1 lines 13-40, col. 7 lines 49-62 , col. 8 lines 10-18 where if user is going to be late for a meeting other users are notified that the user is going to be late).

Reed does not teach the second message communicates a length of the delay to the transmission destination.

Bansal also teaches a method and apparatus for advanced scheduling and messaging system (title, abstract, col. 2 lines 20-44) wherein when it is determined that

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a user will be late for an appointment, an attendee notification message is automatically generated. Bansal also teaches a storage unit configured to store an input time, transmission destination, and a first message (see col. 3 lines 40-65, col. 4 lines 14-36 wherein user inputs appointment time, transmission destination information, and message to be transmitted to others when user is running late for meeting. For example, "I am running [x] minutes late"). Bansal also teaches transmitting the first message when no input indicating transmission cancellation is provided (see col. 4 lines 37-62 wherein if user does not confirm that he or she will be late (i.e. cancel sending message to attendees), the scheduling unit will automatically send a message to the other attendees informing them that the user will be late).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the teachings of Reed to incorporate custom default message as taught by Bansal in order to not only tell others that the user will be late for a meeting as taught by Reed but inform them of how many minutes that the user will be delayed thereby allowing the meeting to be rescheduled or cancelled based on how late the user will be as disclosed by Bansal.

Regarding claim 7. Reed teaches a communication device (figure 2) comprising:

- a schedule storing unit configured to store a plurality of schedules comprising a scheduled time and a schedule title (see 212 figure 2);
- an address storing unit configured to store an address, which corresponds to the schedule title stored in the schedule storing unit (see 212 figure 2);
- a message storing unit configured to store a message (see 212 figure 2);

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a clock function unit configured to reference a current time (see 207 figure 2);
an input unit configured to receive input from a user (see 214 figure 2 having keyboard 220));

a notification unit configured to provide notification to the user (see 214 figure 2 having alert 218);

a transmission unit configured to transmit the message stored in the message storing unit (see col. 1 lines 13-40, col. 7 lines 49-62 , col. 8 lines 10-18 where if user is going to be late for a meeting other users are notified that the user is going to be late);

a schedule editing and managing module configured to edit and manage the plurality of schedules stored in the schedule storing unit (col. 1 lines 13-40, col. 4 lines 1-56);

a display unit configured to display the plurality of schedules that are edited and managed by the schedule editing and managing module (see 214 figure 2 having display 216).

a control unit configured to perform automatic transmission setting control according to which a schedule is selected from the plurality of schedules displayed on the display unit, whereby notification is provided by the notification unit when the scheduled time stored in the schedule storing unit matches the current time indicated by the clock function unit (see 210 figure 2, col. 1 lines 13-40, col. 1 lines 43-57, col. 2 lines 2-30, col. 4 lines 1-56, col. 6 lines 21-65, col. 7 lines 49-62, col. 8 lines 10-18).

Reed does not appear to teach wherein, if no input is provided through the input unit within a predetermined length of time from the notification, the message is

automatically transmitted by the transmission unit to the address stored in the address storing unit which corresponds to the schedule title.

Bansal also teaches a method and apparatus for advanced scheduling and messaging system (title, abstract, col. 2 lines 20-44) wherein when it is determined that a user will be late for an appointment, an attendee notification message is automatically generated. Bansal also teaches a storage unit configured to store an input time, transmission destination, and a first message (see col. 3 lines 40-65, col. 4 lines 14-36 wherein user inputs appointment time, transmission destination information, and message to be transmitted to others when user is running late for meeting. For example, "I am running [x] minutes late"). Bansal also teaches transmitting the first message when no input indicating transmission cancellation is provided (see col. 4 lines 37-62 wherein if user does not confirm that he or she will be late (i.e. cancel sending message to attendees), the scheduling unit will automatically send a message to the other attendees informing them that the user will be late).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the teachings of Reed to incorporate custom default message as taught by Bansal in order to not only tell others that the user will be late for a meeting but inform them of how many minutes that the user will be delayed thereby allowing the meeting to be rescheduled or cancelled based on how late the user will be as disclosed by Bansal.

Regarding claims 10-11. Method claims 10-11 are rejected for the same reason as apparatus claims 1-2 since the recited apparatus would perform the claimed method steps.

Regarding claims 13-14. Program claims 13-14 are rejected for the same reason as apparatus claims 1-2 and method claims 10-11 since the recited apparatus and method claims would perform the claimed program steps.

2. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al (6,263,209) in view of Bansal et al (6,898,569 hereinafter Bansal) further in view of Komaki et al (2003/0108156 hereinafter Komaki).

Regarding claim 6. Reed in view of Bansal do not show the notification unit provides notification for a predetermined length of time.

Komaki teaches a communication system and method wherein user can set a desired message to be delivered to a contact device in the event that the user who is attending a meeting must also attend another meeting or will be out (paragraphs 0040 – 0044, 0061, 0082 – 0090). In other words, Komaki teaches the system will send the user a message and if the user does not respond within a predefined amount of time because he/she is attending another meeting or out of the office the system will send mail message “I’ll be late” to an email address of person present in the next meeting.

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the teachings of Reed and Bansal to send an message to the user and wait for a predetermined amount of time for a user to reply as taught by Komaki in order to learn if the user’s schedule has changed due to the user not being able to notify

the system of his presence because the user is tied up in a previous scheduled meeting or out of the office and sending an email notice to other people in the next scheduled meeting as disclosed by Komaki.

3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al (6,263,209) in view of Bansal et al (6,898,569 hereinafter Bansal) further in view of Havukainen et al (2004/0154461 hereinafter Havukainen).

Regarding claim 8. Reed in view of Bansal do not show displaying that automatic transmission is underway.

Havukainen teaches sending messages from one portable device to another and a message or sound is produced simultaneously with the transmission of the message to inform the users via display or sound that the message is currently being sent (paragraphs 0014, 0058, 0059).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the teachings of Reed in view of Bansal to simultaneously produce a message or sound when a message is being sent from one device to another as taught by Havukainen in order to inform users of the progress of the sending and arrival of messages.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al (6,263,209) in view of Bansal et al (6,898,569 hereinafter Bansal) further in view of Kamel et al (2001/0014145 hereinafter Kamel).

Regarding claim 9. Reed in view of Bansal do not show requesting specification of a transmission destination when there is no address stored.

Kamel teaches prompting the user to dial the desired destination number or to enter the desired destination address then validates to determine if the destination number or address is invalid, the user is then informed that the number or address is invalid and prompts the user to reenter the same (paragraph 0055).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the teachings of Reed in view of Bansal to validate destination numbers and addresses as taught by Kamel to ensure that users entries are valid before storing in a scheduler database.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al (6,263,209) in view of Cronin (6,999,731).

Regarding claim 16. Reed teaches a communication device comprising:

a storage unit configured to store an input time, a transmission destination, a first message (see 212 figure 2);

a clock function unit configured to reference a current time (see 207 figure 2);

an input unit configured to receive input from a user (214 figure 2); and

a transmission unit configured to transmit the first message (see col. 1 lines 13-40, col. 7 lines 49-62 , col. 8 lines 10-18 where if user is going to be late for a meeting other users are notified that the user is going to be late). Reed further discloses that a controller (item 112 figure 1) or computer (117 figure 1) may be used to send messages to Portable Subscriber Units (122 figure 1).

Reed does not teach a first transmission condition, a second transmission condition and a second message wherein the first message is transmitted by the transmission unit when the input time stored in the storage unit matches the current time indicated by the clock function unit, and when the first transmission condition is satisfied; wherein the second message is transmitted by the transmission unit when the second transmission condition is satisfied; and wherein the communication device is set in an operating mode in at least one of the first transmission condition and the second transmission condition.

Cronin teaches control of an alert mechanism by communication of an event-associated command (title, abstract). Cronin teaches a first communication device keeps track of a schedule of meetings, appointments, and other types of events (see figure 1 wherein first device is generally shown as a pocket pc (100), computer (110) or notebook (150)) and stores the users schedule so users second device (i.e. destination device generally shown as cell phone (120) or Pager (140) or PDA) can be automatically set to operate in different modes --- col. 2 lines 4 – 64, col. 3 lines 20-52). Cronin discloses that the second device can itself enable, disable, or modify a setting of the alert mechanism based on clock timer or countdown timer (col. 4 lines 4-15).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the teachings of Reed to incorporate the multi-modal alert mechanism as taught by Cronin in order to allow the users the ability to have their cell phones automatically set to a particular operating mode according to a particular event occurring.

6. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al (6,263,209) in view of Takeda et al (6,674,483 hereinafter Takeda).

Regarding claim 18. Reed teaches a communication device for communication via a network, comprising:

a storage unit configured to store an inputted input time and prearranged transmission information including a transmission destination and a message (see 212 figure 2);

a clock function unit configured to reference a current time (see 207 figure 2);

an input unit configured to receive input from a user (see user interface 214 figure 2 used to receive input from user);

a notification unit configured to provide notification to the user (see 218 figure 2);

a display unit configured to provide a display (see 216 figure 2); and

a transmission unit configured to transmit the message stored in the storage unit to the transmission destination (see col. 1 lines 13-40, col. 7 lines 49-62 , col. 8 lines 10-18 where if user is going to be late for a meeting other users are notified that the user is going to be late). Reed further discloses that a controller (item 112 figure 1) or computer (117 figure 1) may be used to send messages to Portable Subscriber Units (122 figure 1).

Reed does not show reminding the user of prearranged upcoming meeting when power is switched off.

Takeda teaches sending a message to users portable device (i.e. mobile phone) even when his home device (i.e. TV) is powered off enabling the user to keep his or her

scheduled engagements (col. 1 lines 54-63, col. 2 line 61 – col. 3 line 10, see entering Messages and Schedules --- col. 3 line 12 – col. 4 line 10, see transfer message when TV is off --- col. 5 line 23 – col. 6 line 15, col. 6 lines 25-51). In other words, Takeda teaches the user programs his schedule into his home TV and when the person is on travel or away from home, the TV sends a message to the users work PC or cell phone to remind him or her of scheduled engagements even when the TV is turned off.

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the controller or computer as taught by Reed to incorporate the teachings of Takeda in order to send a reminder message to Portable Subscriber Units even when the controller or computer is powered-off thereby allowing users to keep to their scheduled engagements as disclosed by Takeda.

Regarding claim 20. Reed teaches the computer (117 figure 1) can function as a server (col. 3 lines 46-47).

Allowable Subject Matter

7. Claims 4-5, 12, 15, 17, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Thursday, 6:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost, can be reached at (571) 272-7872. The central facsimile phone number for this group is **571-273-8300**.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Centralized Delivery Policy: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the central fax number (571-273-8300).

Barry W. Taylor
Art Unit 2617

 10/12/07
BARRY TAYLOR
PRIMARY EXAMINER